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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 **CONSTELLATION BRANDS U.S.**
12 **OPERATIONS, INC.,**
a New York corporation,

13 *Plaintiff,*

14 v.

15 **THE VINEYARD HOUSE, LLC,**
a California limited liability company,

16 *Defendant.*
17

Case No.: 3:20-cv-00238

**PLAINTIFF'S NOTICE OF MOTION
AND MOTION FOR PRELIMINARY
INJUNCTION**

Hearing: January 31, 2020
Time: 3:00 pm
Ct rm: 1, 4th Floor
Judge: Hon. Yvonne Gonzalez Rogers

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19 **PLEASE TAKE NOTICE** that on January 31, 2020 at 3:00 p.m., or as soon thereafter as
20 the matter may be heard, at the above-entitled Court located at 1301 Clay Street, Courtroom 1,
21 Oakland, California, Plaintiff will and hereby does move this Court for a preliminary injunction
22 against Defendant, pursuant to Federal Rule of Civil Procedure 65(a).

23 Specifically, Plaintiff seeks an order preliminarily enjoining Defendant, The Vineyard
24 House, LLC, from offering or selling wine products that bear Constellation's TO KALON®
25 trademark until trial is held in this matter.

26 This Motion is based upon this Notice of Motion, the Memorandum of Points and
27 Authorities in support hereof, the declarations of John Seethoff, Armin Ghiam, and David Gunn,
28 and exhibits attached thereto, and the Proposed Order Granting Preliminary Injunction filed

1 concurrently herewith, and such other and further evidence and argument as may be presented at
2 the hearing on this Motion.

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4 Dated: January 10, 2020

By: /s/ Timothy J. Carlstedt

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13 *Constellation Brands U.S. Operations, Inc.*
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CERTIFICATE OF SERVICE

The undersigned certifies that **PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION** was served on Defendant's counsel by email (with consent) on this 10th day of January 2020:

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Dated: January 10th, 2020

By: /s/ Timothy J. Carlstedt

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